

## **REMARKS**

Pursuant to the Office Action mailed April 1, 2010, Assignee requests reconsideration. To further prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 1-17, 19-32, and 34-41 are currently pending in this application, of which Claims 1, 20, and 32 are independent claims. Claims 1-3, 7-9, 11-17, 20, 21, 24-26, 29, 32, 37, and 38 have been amended to correct minor informalities and typographical errors, and to further clarify that which the Assignee considers to be the invention. Support for the amendments can be found in the specification at page 8, line 22 through page 9, line 2, as well as throughout the remainder of the specification. The application as now presented is believed to be in allowable condition.

### **I. Claim Objections**

Claims 1, 20, and 32 have been objected to for lack of proper antecedent basis of the term "caller network device". Accordingly, the claims have been amended to provide a proper antecedent basis for the "caller network device". Therefore, it is submitted that the objection to Claims 1, 20, and 32 has been obviated.

### **II. Claims Rejected Under 35 U.S.C. § 103**

Claims 1-17, 19, 32, and 34-41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,580,374 (*Gilbert*) in view of U.S. Patent No. 6,810,116 (*Sorensen*), and in further view of U.S. Patent No. 6,870,916 (*Henrikson*). Claims 20-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gilbert* in view of *Sorensen* and *Henrikson*, and in further view of U.S. Patent No. 6,731,609 (*Hirni*).

*Gilbert*, *Sorensen*, and *Henrikson*, when considered alone or in combination, fail to teach or suggest sending receiving, from a caller network device, a free form instant text message having caller information associated with the caller network device and called endpoint

information associated with a network device to be called and initiating an arrangement of the telephone call by a server prior to an attempt to call the network device in response to receiving the free form instant text message, wherein the free form instant text message includes a time at which a telephone call is to be initiated and the arrangement is associated with the time to initiate the telephone call, as now required by amended 1, 20, and 32.

*Gilbert* teaches that a user can set up a future telephone conference using a computer connected to a network. (*Gilbert* col. 4, lines 61-66). To set up a future conference call, the user's computer connects over the network to a call set-up system 12, which displays a structured input page 80 on the user's computer screen. (*Gilbert* col. 4, line 66 through col. 5, line1). The input page 80 is a structure page provided by the call set-up system 12 having defined fields for entering meeting information. (*Gilbert* col. 5, lines 1-7). However, *Gilbert* fails to teach or suggest sending receiving, from a caller network device, a free form instant text message having caller information associated with the caller network device and called endpoint information associated with a network device to be called and initiating an arrangement of the telephone call by a server prior to an attempt to call the network device in response to receiving the free form instant text message, wherein the free form instant text message includes a time at which a telephone call is to be initiated and the arrangement is associated with the time to initiate the telephone call, as now required by amended 1, 20, and 32. The remaining art of record including *Sorensen*, *Henrikson*, and *Hirni*, when considered alone or in combination, fail to bridge the factual deficiencies of *Gilbert*.

For at least the reasons above, *Gilbert*, *Sorensen*, *Henrikson*, and *Hirni*, when considered alone or in combination, fail to teach or suggest all of the elements required by amended Claims 1, 20, and 32. In order to support a claim of *prima facie* obviousness, the cited references must teach or suggest each and every element of the invention, as claimed, and there must be a basis for combining the references and the prior art as suggested. However, nothing in the art of record, when considered alone or in combination, teaches or suggests each of the elements, as required by Claims 1, 20, and 32. That is, one skilled in the art would not find the claimed

invention, *as a whole*, to be obvious in view of the art of record because the art of record, even in combination, fails to meet the limitations recited in independent Claims 1, 20, and 32.

Assignee respectfully submits that Claims 2-17 and 19, which ultimately depend from Claim 1, Claims 21-31, which ultimately depend from Claim 20, and Claims 34-41, which ultimately depend from Claim 32, are patentable over the art of record by virtue of their dependence. Further, Assignee submits that Claims 2-17, 19, 21-31, and 34-41 define additional patentable subject matter in their own right. Therefore, it is respectfully requested that the rejection of Claims 1-17, 19-32, and 34-41 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

#### CONCLUSION

Entry of the amendments to Claims 1-3, 7-9, 11-17, 20, 21, 24-26, 29, 32, 37, and 38; favorable consideration of Claims 1-3, 7-9, 11-17, 20, 21, 24-26, 29, 32, 37, and 38 as amended; favorable reconsideration of Claims 4-6, 10, 19, 22, 23, 27, 28, 30, 31, 34-36, and 39-41; and allowance of pending Claims 1-17, 19-32, and 34-41 are solicited.

In view of the foregoing amendments and remarks, the subject application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this Amendment, that the application is not in condition for allowance, the Examiner is requested to call the Assignee's attorney at the telephone number provided below to discuss any outstanding issues.

Respectfully submitted,

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